IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH MAY 2004 / 3RD JYAISHTA 1926

WP(C).No. 35480 of 2004(W)

EP.33/2001 OF PRINCIPAL MUNSIFF COURT .,IRINJALAKUDA

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PETITIONER:

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1. SHAJU, S/O.GOPALAN,
THADATHIL HOUSE, KODAKARA VILLAGE,
MUKUNDAPURAM TALUK.

2. VASU, S/O.KRISHNAN ACHARI,
THEKKE MADAM, KAVIL DESOM, KODAKARA VILLAGE,
MUKUNDAPURAM TALUK.

3. SUBRAMANIYAN, S/O.MANIKKAN,
PERINGODAL HOUSE, KODAKARA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENTS:

JEWEL ROCK HIGHER PURCHASE &
KURIES (P) LTD., THRISSUR,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.K.RAVISANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON 24/05/2004 DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

Ext.P1: Copy of the E.P No.33/2001 in O.S. No. 776/2000 of Munsiff Court, Irinjalakkuda

Ext.P2: Copy of the receipt dated 9-10-2002

Ext.P3: Copy of the receipt dated 19-12-2002

Ext.P4: Copy of the receipt dated 29-11-2004

//True copy//

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PIUS.C.KURIAKOSE. J.

W.P.(C) No. 35480 of 2004

Dated this the 24th day of May 2007

JUDGMENT

The petitioner/ judgment debtor who was ordered to be arrested in execution of a decree obtained by the respondent against him has filed this writ petition under Article 227 of the Constitution of India interalia seeking an order to recall the arrest warrant. While admitting this writ petition and granting stay, this court imposed a condition that the petitioner deposits a sum of Rs. 10,000/- within one month from 7-12-2004. Sri.Rajesh Chakyat counsel for the petitioner submits that the above condition was duly complied with by the petitioner and the balance due under the decree as on date will be about 1,15,000/-. Sri.P.K.Ravisankar counsel for the respondent submits that as per the instructions received by him, the petitioner has not complied with the condition imposed by this court in full. According to him the petitioner remitted only Rs. 1,000/-. Whatever that be it appears to me that the balance is about Rs. 1,15,000/- I am of the view, though in stricter sense there is no warrant for invocation of the supervisory jurisdiction that this writ petition itself can be disposed of issuing the following directions

2. The learned Munsiff will verify whether the petitioner has deposited or paid a sum of Rs. 10,000/- as directed by this Court before 7-1-2005 . If it is seen that he has made the payment or deposit as

directed by this Court within the stipulated time the order of stay presently in force will continue subject to the following conditions.

3. The petitioner will remit at the rate of Rs. 11,000/- every month commencing from 15-6-2007. If the petitioner defaults remittance of any instalment he will forfeit the above given instalment facility . Once the petitioner remits 11 instalments without fail, he is permitted to make an application before the court below for recording satisfaction. The court below will take a decision on that application with notice to the respondent/ decree holder and after hearing both sides in accordance with law

PIUS.C.KURIAKOSE,JUDGE

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